

# INTERNATIONAL SEARCH REPORT

International Application No

1001/GB2004/004197

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C12N15/12 C12N15/62 C12Q1/68 C07K16/18 G01N33/50  
A61K38/00 A61K39/00 A61K31/7088

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C07K C12N C12Q G01N A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, BIOSIS, EMBASE, Sequence Search

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category <sup>o</sup>	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No
X	<p>DATABASE Geneseq 'Online! 4 September 2003 (2003-09-04), "Human alpha 1 type XI collagen, isoform A preproprotein." XP002316776 retrieved from EBI accession no. GSN:ADP65251 Database accession no. ADP65251 abstract -&amp; DATABASE Geneseq 'Online! 4 September 2003 (2003-09-04), "Human alpha 1 type I collagen preproprotein, Collagen I, alpha-1." XP002316805 retrieved from EBI accession no. GSN:ADP65246 Database accession no. ADP65246 abstract</p>	1-5
X		1-5

Further documents are listed in the continuation of box C

Patent family members are listed in annex

<sup>o</sup> Special categories of cited documents .

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance, the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance, the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

\*&\* document member of the same patent family

Date of the actual completion of the international search

18 March 2005

Date of mailing of the international search report

31/03/2005

Name and mailing address of the ISA

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## INTERNATIONAL SEARCH REPORT

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/GB2004/004197

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No
X	-& WO 03/072827 A (CHILDREN'S HOSPITAL MEDICAL CENTER) 4 September 2003 (2003-09-04)  page 1 - page 12 -----	6,11, 13-19, 22-38, 40-46
X	WO 96/23866 A (THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA) 8 August 1996 (1996-08-08)  the whole document -----	1-7,9, 13-19, 22-38, 40-48
X	DATABASE EMBL 'Online! 6 September 2002 (2002-09-06), "Sequence 22989 from Patent WO02068579." XP002316777 retrieved from EBI accession no. EM_PRO:CQ737055 Database accession no. CQ737055 abstract	11-14
X	-& WO 02/068579 A (PE CORPORATION) 6 September 2002 (2002-09-06)	15,16, 22-24, 26-32, 34-38, 41-45
X	the whole document -----	
X	DATABASE EMBL 'Online! 14 December 2001 (2001-12-14), "Homo sapiens 3 BAC RP11-80B17 (Roswell Park Cancer Institute Human BAC Library) complete sequence." XP002316778 retrieved from EBI accession no. EM_PRO:AC104471 Database accession no. AC104471 see nucleotides 112570-113500 abstract	11-14
P, X	DATABASE Geneseq 'Online! 23 October 2003 (2003-10-23), "Human heat mitochondrial protein as a therapeutic target SeqID2554." XP002316779 retrieved from EBI accession no. GSN:ADJ70748 Database accession no. ADJ70748 abstract	1-5
P, X	-& WO 03/087768 A (MITOKOR; THE BUCK INSTITUTE FOR AGE RESEARCH; GHOSH, SOUMITRA, S; FAHY) 23 October 2003 (2003-10-23) cited in the application page 1 - page 64; claims 7-19 -----	6-10,17, 18, 22-25, 31-38, 40-42,46

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## INTERNATIONAL SEARCH REPORT

International Application No  
GB2004/004197

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	KISHORE U ET AL: "C1Q: STRUCTURE, FUNCTION, AND RECEPTORS" IMMUNOPHARMACOLOGY, ELSEVIER SCIENCE PUBLISHERS BV, vol. 49, no. 1/2, August 2000 (2000-08), pages 159-170, XP001078864 ISSN: 0162-3109 cited in the application the whole document -----	1-48

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/GB2004/004197

### Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos.: 23, 25-32 (in part), 38, 40  
because they relate to subject matter not required to be searched by this Authority, namely:  
see FURTHER INFORMATION sheet PCT/ISA/210
  
2.  Claims Nos.: 20, 21, 39  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
see FURTHER INFORMATION sheet PCT/ISA/210
  
3.  Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

### Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1.  As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
  
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
  
3.  As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
  
4.  No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

#### Remark on Protest

The additional search fees were accompanied by the applicant's protest.

No protest accompanied the payment of additional search fees.

**FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210**

**Continuation of Box II.1**

Although claims 23 and 25-32 (relating to vivo methods) are directed to a diagnostic method practised on the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.

Although claims 38 and 40 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/ composition.

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**Continuation of Box II.2**

Claims Nos.: 20,21,39

Claims 20, 21 and 39 relate to a product/compound defined by reference to a desirable characteristic or property, namely 'a compound that binds to a polypeptide without inducing any of the biological effects of the polypeptide' and 'an agonist' without giving a true technical characterisation. Moreover, no such compounds are defined in the application. In consequence the scope of said claims is ambiguous and vague, and their subject-matter is not sufficiently disclosed and supported (Arts. 5 and 6 PCT). Consequently, no search has been carried out for such purely speculative claims whose wording is, in fact, a mere recitation of the results to be achieved.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International Application No

PCT/GB2004/004197

Patent document cited in search report	Publication date	Patent family member(s)			Publication date
WO 03072827	A 04-09-2003	AU 2002367732 A1			09-09-2003
		WO 03072827 A1			04-09-2003
WO 9623866	A 08-08-1996	US 5702948 A			30-12-1997
		WO 9623866 A1			08-08-1996
		US 5891850 A			06-04-1999
WO 02068579	A 06-09-2002	WO 02068579 A2			06-09-2002
WO 03087768	A 23-10-2003	AU 2003223520 A1			27-10-2003
		WO 03087768 A2			23-10-2003
		US 2004101874 A1			27-05-2004